

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY CHAPMAN,

Petitioner,

v.

DOUG WADDINGTON

Respondent.

Case No. C05-5407RJB

ORDER ON PENDING MOTIONS

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 15).

Before the court is petitioner's motion for appointment of counsel and for an evidentiary hearing. (Dkt. # 30). Petitioner claims the state is distorting the record and misquoting him. Respondent places before the court a portion of a transcript from his trial which has been considered by the court.

The Court, having reviewed the record, hereby finds and ORDERS:

(1) There is no right to have counsel appointed in cases brought under 28 U.S.C. §

ORDER

1 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See
2 Terravona v. Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); Brown v. Vasquez, 952 F.2d 1164, 1168
3 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States
4 District Courts. An evidentiary hearing is not warranted in this case. Both sides had access to the
5 record and can make appropriate argument. Petitioner's motions are **DENIED**.

6 (2) The clerk is directed to send a copy of this Order to petitioner and counsel for
7 respondent.

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9 DATED this 19th day of January, 2006.

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14 Karen L. Strombom
15 United States Magistrate Judge
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28 ORDER